

## **Legislators Urge Bush Rethink Order**

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WASHINGTON (AP) - Lawmakers from both parties on Tuesday urged President Bush to rescind, or at least rethink, an executive order they say will restrict the release of presidential papers.

The order, issued last week, gives former presidents more authority to claim executive privilege to keep some of their papers sealed.

"The new order appears to create a more elaborate process," for releasing documents, Rep. Stephen Horn, R-Calif., said during a three-hour congressional hearing on the order. "It also gives both the former and incumbent presidents veto power over the release of the records." Democratic Reps. Henry Waxman of California and Janice Schakowsky of Illinois released a statement and letter they sent to Bush asking him to rescind the order, saying it "violates the intent of Congress and keeps the public in the dark."

After the hearing, the White House defended the order and indicated that the president had no intention of rescinding it.

"As the executive order is implemented, if there are suggestions about improving the process, we'll be happy to take those into consideration," said White House spokeswoman Anne Womack.

Outside experts who testified at the hearing found fault with the Bush order.

"Secrecy is a dangerous thing," said American University historian Anna Nelson, adding that secrecy had spawned conspiracy theories about the assassination of President Kennedy.

"The president's current efforts appear designed to substantially tip the balance in favor of secrecy," said Mark J. Rozell, politics professor at Catholic University of America.

The Bush administration contends the order merely implements the Presidential Records Act of 1978, which followed Watergate and Richard Nixon's attempts to hold on to his papers and tape recordings. The act made presidential records the property of the government, not former presidents.

Former President Reagan's papers are the first covered by the act, which will also affect the presidential papers of Bush's father, Bill Clinton, and ultimately the president himself. It also applies to vice presidential papers, including those of former President Bush.

"The executive order is designed to set forth procedures, fill gaps, to implementing the Presidential Records Act," said M. Edward Whelan III, acting assistant attorney general. "It is not designed and it does not in any respect override any provisions of that act."

Moreover, the White House says any claims of executive privilege can be appealed in court. Scott Nelson, an attorney for Public Citizen Litigation Group, said the order gives former presidents unfettered power to block the release of material simply by making a claim of

privilege, "however unfounded that claim may be." That leaves those who seek public access to challenge the claim in court.

"With the ability to block access will come the temptation to use it, particularly when records that are or may be embarrassing to the former president or his close associates are concerned," he said.

Some historians have suggested that the Bush White House is worried about what the Reagan papers might reveal about former Reagan officials who now work for Bush. Among the former Reagan aides are Secretary of State Colin Powell, Budget Director Mitch Daniels Jr. and White House Chief of Staff Andrew Card.

Some 68,000 pages of Reagan's White House records, including vice presidential papers from the elder Bush, were supposed to have been opened under the law last January, 12 years after Reagan left office. The White House has delayed the release three times to review constitutional and legal questions.